

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**IMANOEL PHARMACY, INC., DBA RX CENTRAL,  
MICHAEL MEHRDAD IMANOEL, ELIAHOU SALEH,**

**Pharmacy Permit No. PHY 51631;**

**and**

**MOSHE SELEH,**

**Pharmacist License No. RPH 58075**

**Respondents.**

**Agency Case No. 6754**

## DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on May 26, 2021.

It is so ORDERED on April 26, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over a horizontal line.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
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*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **IMANOEL PHARMACY, INC., DBA RX**  
14 **CENTRAL, MICHAEL MEHRDAD**  
15 **IMANOEL, ELIAHOU SELEH**  
16 **800 S. Central Ave., Ste. 101A**  
17 **Glendale, CA 91204-4375**

18 **Pharmacy Permit No. PHY 51631,**

19 **and**

20 **MOSHE SELEH**  
21 **8662 W. Cashio St.**  
22 **Los Angeles, CA 90035**

23 **Pharmacist License No. RPH 58075**

24 Respondents.

Case No. 6754

OAH No. 2020110716

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO MOSHE  
SELEH ONLY**

25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
26 entitled proceedings that the following matters are true:

27 **PARTIES**

28 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
(Board). She brought this action solely in her official capacity and is represented in this matter by

1 Xavier Becerra, Attorney General of the State of California, by Nancy A. Kaiser, Deputy  
2 Attorney General.

3 2. Respondent Moshe Seleh (Respondent) is represented in this proceeding by attorney  
4 Natalia Mazina, whose address is: 100 Pine Street, Suite 1250, San Francisco, CA 94111-5235.

5 3. On or about January 23, 2006, the Board issued Pharmacist License Number RPH  
6 58075 to Moshe Seleh (Respondent). The Pharmacist License was in full force and effect at all  
7 times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

### 8 **JURISDICTION**

9 4. Accusation No. 6754 was filed before the Board, and is currently pending against  
10 Respondent. The Accusation and all other statutorily required documents were properly served  
11 on Respondent on June 23, 2020. Respondent timely filed his Notice of Defense contesting the  
12 Accusation.

13 5. A copy of Accusation No. 6754 is attached as exhibit A and incorporated herein by  
14 reference.

### 15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, fully discussed with counsel, and understands the  
17 charges and allegations in Accusation No. 6754. Respondent has also carefully read, fully  
18 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
19 Order.

20 7. Respondent is fully aware of his legal rights in this matter, including the right to a  
21 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
22 the witnesses against them; the right to present evidence and to testify on his own behalf; the right  
23 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
24 documents; the right to reconsideration and court review of an adverse decision; and all other  
25 rights accorded by the California Administrative Procedure Act and other applicable laws.

26 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
27 every right set forth above.  
28

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 6754, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacy  
4 License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest  
8 those charges.

9 11. Respondent agrees that his Pharmacy License is subject to discipline, and he agrees to  
10 be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 **RESERVATION**

12 12. The admissions made by Respondent herein are only for the purposes of this  
13 proceeding, or any other proceedings in which the Board or other professional licensing agency is  
14 involved, and shall not be admissible in any other criminal or civil proceeding.

15 **CONTINGENCY**

16 13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
17 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
18 communicate directly with the Board regarding this stipulation and settlement, without notice to  
19 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
20 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
21 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
22 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
23 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
24 and the Board shall not be disqualified from further action by having considered this matter.

25 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
26 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
27 signatures thereto, shall have the same force and effect as the originals.  
28

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

### **DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacist License Number RPH 58075 issued to Respondent Moshe Seleh (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy- two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

1 Failure to timely report such occurrence shall be considered a violation of probation.

2 **2. Report to the Board**

3 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
4 designee. The report shall be made either in person or in writing, as directed. Among other  
5 requirements, Respondent shall state in each report under penalty of perjury whether there has  
6 been compliance with all the terms and conditions of probation.

7 Failure to submit timely reports in a form as directed shall be considered a violation of  
8 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
9 total period of probation. Moreover, if the final probation report is not made as directed,  
10 probation shall be automatically extended until such time as the final report is made and accepted  
11 by the Board.

12 **3. Interview with the Board**

13 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
14 with the Board or its designee, at such intervals and locations as are determined by the Board or  
15 its designee. Failure to appear for any scheduled interview without prior notification to Board  
16 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
17 during the period of probation, shall be considered a violation of probation.

18 **4. Cooperate with Board Staff**

19 Respondent shall timely cooperate with the Board's inspection program and with the  
20 Board's monitoring and investigation of Respondent's compliance with the terms and conditions  
21 of his probation, including but not limited to: timely responses to requests for information by  
22 Board staff; timely compliance with directives from Board staff regarding requirements of any  
23 term or condition of probation; and timely completion of documentation pertaining to a term or  
24 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

25 **5. Continuing Education**

26 Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
27 pharmacist as directed by the Board or its designee.  
28

1           **6.     Reporting of Employment and Notice to Employers**

2           During the period of probation, Respondent shall notify all present and prospective  
3 employers of the decision in case number 6754 and the terms, conditions and restrictions imposed  
4 on Respondent by the decision, as follows:

5           Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
6 undertaking any new employment, Respondent shall report to the Board in writing the name,  
7 physical address, and mailing address of each of his employer(s), and the name(s) and telephone  
8 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in- charge, designated  
9 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
10 schedule, if known. Respondent shall also include the reason(s) for leaving the prior  
11 employment. Respondent shall sign and return to the Board a written consent authorizing the  
12 Board or its designee to communicate with all of Respondent's employer(s) and supervisor(s),  
13 and authorizing those employer(s) or supervisor(s) to communicate with the Board or its  
14 designee, concerning Respondent's work status, performance, and monitoring. Failure to comply  
15 with the requirements or deadlines of this condition shall be considered a violation of probation.

16           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
17 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,  
18 (b) the pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
19 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
20 Board in writing acknowledging that the listed individual(s) has/have read the decision in case  
21 number 6754, and terms and conditions imposed thereby. If one person serves in more than one  
22 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's  
23 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the  
24 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
25 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the Board in  
26 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
27 in case number 6754, and the terms and conditions imposed thereby.



1 If Respondent works for or is employed by or through an employment service, Respondent  
2 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board  
3 of the decision in case number 6754, and the terms and conditions imposed thereby in advance of  
4 Respondent commencing work at such licensed entity. A record of this notification must be  
5 provided to the Board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
7 (15) days of Respondent undertaking any new employment by or through an employment service,  
8 Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment  
9 service to report to the Board in writing acknowledging that he or she has read the decision in  
10 case number, and the terms and conditions imposed thereby. It shall be Respondent's  
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

12 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
13 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board  
14 shall be considered a violation of probation.

15 "Employment" within the meaning of this provision includes any full-time, part-time,  
16 temporary, relief, or employment/management service position as a pharmacist, or any position  
17 for which a pharmacist is a requirement or criterion for employment, whether the Respondent is  
18 an employee, independent contractor or volunteer.

19 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

20 Respondent shall further notify the Board in writing within ten (10) days of any change in  
21 name, residence address, mailing address, e-mail address or phone number.

22 Failure to timely notify the Board of any change in employer, name, address, or phone  
23 number shall be considered a violation of probation.

24 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

25 During the period of probation, Respondent shall not supervise any intern pharmacist, be  
26 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
27 compliance supervisor of any entity licensed by the Board, nor serve as a consultant. Assumption  
28 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

1           **9.     Reimbursement of Board Costs**

2           As a condition precedent to successful completion of probation, Respondent shall pay to the  
3 Board its costs of investigation and prosecution in the amount of **\$8,345.25**. Respondent shall  
4 make said payments as follows:

5           Respondent shall be permitted to pay these costs in a payment plan approved by the Board  
6 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
7 date of probation.

8           There shall be no deviation from this schedule absent prior written approval by the Board or  
9 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
10 probation.

11           **10.    Probation Monitoring Costs**

12           Respondent shall pay any costs associated with probation monitoring as determined by the  
13 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
14 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
15 shall be considered a violation of probation.

16           **11.    Status of License**

17           Respondent shall, at all times while on probation, maintain an active, current Pharmacy  
18 License with the Board, including any period during which suspension or probation is tolled.  
19 Failure to maintain an active, current Pharmacy License shall be considered a violation of  
20 probation.

21           If Respondent's Pharmacy License expires or is cancelled by operation of law or otherwise  
22 at any time during the period of probation, including any extensions thereof due to tolling or  
23 otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and  
24 conditions of this probation not previously satisfied.

25           **12.    License Surrender While on Probation/Suspension**

26           Following the effective date of this decision, should Respondent cease practice due to  
27 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
28 Respondent may relinquish his license, including any indicia of licensure issued by the Board,

1 along with a request to surrender the license. The Board or its designee shall have the discretion  
2 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
3 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to  
4 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
5 become a part of the Respondent's license history with the Board.

6       Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall  
7 license, including any indicia of licensure not previously provided to the Board within ten (10)  
8 days of notification by the Board that the surrender is accepted if not already provided.  
9 Respondent may not reapply for any license from the Board for three (3) years from the effective  
10 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
11 of the date the application for that license is submitted to the Board, including any outstanding  
12 costs.

### 13       **13. Practice Requirement – Extension of Probation**

14       Except during periods of suspension, Respondent shall, at all times while on probation, be  
15 employed as a pharmacist in California for a minimum of 64 hours per calendar month. Any  
16 month during which this minimum is not met shall extend the period of probation by one month.  
17 During any such period of insufficient employment, Respondent must nonetheless comply with  
18 all terms and conditions of probation, unless Respondent receives a waiver in writing from the  
19 Board or its designee.

20       If Respondent does not practice as a pharmacist in California for the minimum number of  
21 hours in any calendar month, for any reason (including vacation), Respondent shall notify the  
22 Board in writing within ten (10) days of the conclusion of that calendar month. This notification  
23 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the  
24 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume  
25 practice at the required level. Respondent shall further notify the Board in writing within ten (10)  
26 days following the next calendar month during which Respondent practices as a pharmacist in  
27 California for the minimum of hours. Any failure to timely provide such notification(s) shall be  
28 considered a violation of probation.

1 It is a violation of probation for Respondent's probation to be extended pursuant to the  
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
3 exceeding thirty-six (36) months. The Board or its designee may post a notice of the extended  
4 probation period on its website.

5 **14. Violation of Probation**

6 If Respondent has not complied with any term or condition of probation, the Board shall  
7 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent  
8 that probation shall automatically be extended, until all terms and conditions have been satisfied  
9 or the Board has taken other action as deemed appropriate to treat the failure to comply as a  
10 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
11 Board or its designee may post a notice of the extended probation period on its website.

12 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
14 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
15 probation, or the preparation of an accusation or petition to revoke probation is requested from  
16 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of  
17 probation shall be automatically extended until the petition to revoke probation or accusation is  
18 heard and decided, and the charges and allegations in Accusation No. 6754 shall be deemed true  
19 and correct.

20 **15. Completion of Probation**

21 Upon written notice by the Board or its designee indicating successful completion of  
22 probation, Respondent's license will be fully restored.

23 **16. Remedial Education**

24 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the  
25 Board or its designee, for prior approval, an appropriate program of remedial education related to  
26 drug addiction, corresponding responsibility, and drug supply chain. The program of remedial  
27 education shall consist of at least 10 hours per year, which shall be completed at Respondent's  
28 own expense. At least 50% of the total hours must be in person or live webinar each year. All

1 remedial education shall be in addition to, and shall not be credited toward, continuing education  
2 (CE) courses used for license renewal purposes for pharmacists.

3 Failure to timely submit for approval or complete the approved remedial education shall be  
4 considered a violation of probation. The period of probation will be automatically extended until  
5 such remedial education is successfully completed and written proof, in a form acceptable to the  
6 Board, is provided to the Board or its designee.

7 Following the completion of each course, the Board or its designee may require the  
8 Respondent, at his own expense, to take an approved examination to test the Respondent's  
9 knowledge of the course. If the Respondent does not achieve a passing score on the examination  
10 that course shall not count towards satisfaction of this term. Respondent shall take another course  
11 approved by the Board in the same subject area.

12 **17. Board's One-Day Training Program.** Within the first year of probation,  
13 Respondent shall enroll in the board's one-day, six (6) hour, training program, "Preventing  
14 Prescription Drug Abuse and Drug Diversion," at Respondent's expense. Respondent shall  
15 provide proof of enrollment upon request. Within thirty (30) days of completion, Respondent  
16 shall submit a copy of the certificate of completion to the board or its designee. Failure to timely  
17 enroll in the training program, to initiate the training program during the first year of probation, to  
18 successfully complete it before the end of the second year of probation, or to timely submit proof  
19 of completion to the board or its designee, shall be considered a violation of probation.

20 **18. Ethics Course**

21 Within sixty (60) calendar days of the effective date of this decision, Respondent shall  
22 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its  
23 designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent  
24 shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent  
25 shall submit a copy of the certificate of completion to the Board or its designee. Failure to timely  
26 enroll in an approved ethics course, to initiate the course during the first year of probation, to  
27 successfully complete it before the end of the second year of probation, or to timely submit proof  
28 of completion to the Board or its designee, shall be considered a violation of probation.

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: \_\_\_\_\_

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: 3/23/2021

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

*Nancy Kaiser*

NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6754**

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
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6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
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Case No. 6754

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14 **DBA RX CENTRAL,**  
15 **MICHAEL MEHRDAD IMANOEL,**  
16 **ELIAHOU SELEH**  
800 S. Central Ave., Ste. 101A  
Glendale, CA 91204-4375

**ACCUSATION**

17 **Pharmacy Permit No. PHY 51631,**

18 **and**

19 **MOSHE SELEH**  
8662 W. Cashio St.  
Los Angeles, CA 90035

20 **Pharmacist License No. RPH 58075**

21 Respondents.  
22

23 **PARTIES**

24  
25 1. Anne Sodergren ("Complainant") brings this Accusation solely in her official  
26 capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer  
27 Affairs.

28 ///

2. On or about September 11, 2013, the Board issued Pharmacy Permit Number PHY 51631 to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel, Eliahou Seleh ("Respondent Rx Central"). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on September 1, 2020, unless renewed. Michael Mehrdad Imanoel is, and has been, the President and Treasurer/Chief Financial Officer, with fifty-one percent ownership, since September 11, 2013. Eliahou Seleh is, and has been, the Vice President and Secretary, with forty-nine percent ownership, since September 11, 2013. Moshe Seleh ("Respondent Moshe Seleh") was the pharmacist-in-charge beginning on September 11, 2013, until he disassociated on October 18, 2018.

3. On or about January 23, 2006, the Board issued Pharmacist License Number RPH 58075 to Respondent Moshe Seleh. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

### **JURISDICTION**

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

5. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 4300 of the Code states:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

///

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

...

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

7. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

8. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in that capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

## STATUTORY AUTHORITY

9. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct includes, but is not limited to, any of the following:

...

(c) Gross negligence.

(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

...

10. Section 4306.5 of the Code states:

Unprofessional conduct for a pharmacist may include any of the following:

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement his or her best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to the provision of services.

(c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate patient, prescription, and other records pertaining to the performance of any pharmacy function.

///

(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and retain appropriate patient-specific information pertaining to the performance of any pharmacy function.

11. Section 4021 of the Code states, in pertinent part:

“Controlled substances: means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.”

12. Section 4022 of the Code states

“Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: “Caution: federal law prohibits dispensing without prescription,” “Rx only,” or words of similar import.

(b) Any device that bears the statement: “Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_,” “Rx only,” or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

13. Section 4059 of the Code states:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

(b) This section does not apply to the furnishing of any dangerous drug or dangerous device by a manufacturer, wholesaler, or pharmacy to each other or to a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or to a laboratory under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug or device, and its quantity. This section does not apply to the furnishing of any dangerous device by a manufacturer, wholesaler, or pharmacy to a physical therapist acting within the scope of his or her license under sales and purchase records that correctly provide the date the device is provided, the names and addresses of the supplier and the buyer, a description of the device, and the quantity supplied.

(c) A pharmacist, or a person exempted pursuant to Section 4054, may distribute dangerous drugs and dangerous devices directly to dialysis patients pursuant to regulations adopted by the board. The board shall adopt any regulations as are necessary to ensure the safe distribution of these drugs and devices to dialysis patients without interruption thereof. A person who violates a regulation adopted pursuant to this subdivision shall be liable upon order of the board to surrender his or her personal license. These penalties shall be in addition to penalties that may be imposed pursuant to Section 4301. If the board finds any dialysis drugs or devices distributed pursuant to this subdivision to be ineffective or unsafe for the intended use, the board may institute immediate recall of any or all of the drugs or devices distributed to individual patients...

1 14. Section 4081 of the Code states:

2 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition  
3 of dangerous drugs or dangerous devices shall be at all times during business hours  
4 open to inspection by authorized officers of the law, and shall be preserved for at least  
5 three years from the date of making. A current inventory shall be kept by every  
6 manufacturer, wholesaler, third-party logistics provider, pharmacy, veterinary food-  
7 animal drug retailer, outsourcing facility, physician, dentist, podiatrist, veterinarian,  
8 laboratory, licensed correctional clinic, as defined in Section 4187, clinic, hospital,  
9 institution, or establishment holding a currently valid and unrevoked certificate,  
10 license, permit, registration, or exemption under Division 2 (commencing with Section  
11 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000)  
12 of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous  
13 drugs or dangerous devices.

14 (b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics  
15 provider, or veterinary food-animal drug retailer shall be jointly responsible, with the  
16 pharmacist-in-charge, responsible manager, or designated representative-in-charge, for  
17 maintaining the records and inventory described in this section.

18 ...

19 15. Section 4105 of the Code states:

20 (a) All records or other documentation of the acquisition and disposition of dangerous  
21 drugs and dangerous devices by any entity licensed by the board shall be retained on  
22 the licensed premises in a readily retrievable form.

23 ...

24 (c) The records required by this section shall be retained on the licensed premises for a  
25 period of three years from the date of making.

26 (d) (1) Any records that are maintained electronically shall be maintained so that the  
27 pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not on  
28 duty, shall, at all times during which the licensed premises are open for business, be  
able to produce a hardcopy and electronic copy of all records of acquisition or  
disposition or other drug or dispensing-related records maintained electronically.

...

(f) When requested by an authorized officer of the law or by an authorized  
representative of the board, the owner, corporate officer, or manager of an entity  
licensed by the board shall provide the board with the requested records within three  
business days of the time the request was made. The entity may request in writing an  
extension of this timeframe for a period not to exceed 14 calendar days from the date  
the records were requested. A request for an extension of time is subject to the approval  
of the board. An extension shall be deemed approved if the board fails to deny the  
extension request within two business days of the time the extension request was made  
directly to the board.

///

///

///



1 16. Section 4169 of the Code states:

2 (a) A person or entity shall not do any of the following:

3 ...

4 (5) Fail to maintain records of the acquisition or disposition of dangerous drugs or  
5 dangerous devices for at least three years.

6 17. Section 4332 of the Code states:

7 Any person who fails, neglects, or refuses to maintain the records required by Section  
8 4081 or who, when called upon by an authorized officer or a member of the board,  
9 fails, neglects, or refuses to produce or provide the records within a reasonable time, or  
10 who willfully produces or furnishes records that are false, is guilty of a misdemeanor.

11 18. Section 4333 of the Code states:

12 (a) All prescriptions filled by a pharmacy and all other records required by Section  
13 4081 shall be maintained on the premises and available for inspection by authorized  
14 officers of the law for a period of at least three years. In cases where the pharmacy  
15 discontinues business, these records shall be maintained in a board-licensed facility for  
16 at least three years.

17 ...

18 19. Health and Safety Code section 11153 states in pertinent part:

19 (a) A prescription for a controlled substance shall only be issued for a legitimate  
20 medical purpose by an individual practitioner acting in the usual course of his or her  
21 professional practice. The responsibility for the proper prescribing and dispensing of  
22 controlled substances is upon the prescribing practitioner, but a corresponding  
23 responsibility rests with the pharmacist who fills the prescription. Except as authorized  
24 by this division, the following are not legal prescriptions: (1) an order purporting to be  
25 a prescription which is issued not in the usual course of professional treatment or in  
26 legitimate and authorized research; or (2) an order for an addict or habitual user of  
27 controlled substances, which is issued not in the course of professional treatment or as  
28 part of an authorized narcotic treatment program, for the purpose of providing the user  
with controlled substances, sufficient to keep him or her comfortable by maintaining  
customary use.

(b) Any person who knowingly violates this section shall be punished by imprisonment  
in the state prison or in the county jail not exceeding one year, or by a fine not exceeding  
twenty thousand dollars (\$20,000), or by both a fine and imprisonment.

(c) No provision of the amendments to this section enacted during the second year of  
the 1981-82 Regular Session shall be construed as expanding the scope of practice of  
a pharmacist.

20. Health and Safety Code Section 111330 states:

Any drug or device is misbranded if its labeling is false or misleading in any particular.

///

1 21. Health and Safety Code Section 111440 states:

2 It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any  
3 drug or device that is misbranded.

4 22. Health and Safety Code Section 11162.1 states:

5 (a) The prescription forms for controlled substances shall be printed with the following  
6 features:

7 . . .

8 (2) A watermark shall be printed on the backside of the prescription blank; the  
9 watermark shall consist of the words "California Security Prescription."

10 . . .

11 (4) A feature printed in thermochromic ink.

12 . . .

13 (13) An identifying number assigned to the approved security printer by the  
14 Department of Justice.

15 . . .

16 (b) Each batch of controlled substance prescription forms shall have the lot number  
17 printed on the form and each form within that batch shall be numbered sequentially  
18 beginning with the numeral one.

19 . . .

20 23. Health and Safety Code Section 11164 states in part: :

21 Except as provided in Section 11167, no person shall prescribe a controlled substance, nor  
22 shall any person fill, compound, or dispense a prescription for a controlled substance,  
23 unless it complies with the requirements of this section.

24 (a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V,  
25 except as authorized by subdivision (b ), shall be made on a controlled substance  
26 prescription form as specified in Section 11162.1

27 . . .

### 28 **STATE REGULATORY AUTHORITY**

24. California Code of Regulations, title 16, section 1761, states:

(a) No pharmacist shall compound or dispense any prescription which contains any  
significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon  
receipt of any such prescription, the pharmacist shall contact the prescriber to obtain  
the information needed to validate the prescription.

1 (b) Even after conferring with the prescriber, a pharmacist shall not compound or  
2 dispense a controlled substance prescription where the pharmacist knows or has  
3 objective reason to know that said prescription was not issued for a legitimate  
4 medical purpose.

#### 5 **COSTS**

6 25. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
7 administrative law judge to direct a licentiate found to have committed a violation or violations of  
8 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case.

#### 10 **DRUGS**

11 26. Oxycodone 30 mg is the generic name for "Roxicodone." It is a Schedule II  
12 controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M)  
13 and is a dangerous drug pursuant to Business and Professions Code section 4022. Oxycodone is a  
14 narcotic analgesic used for moderate to severe pain and it has a high potential for abuse.

#### 15 **FACTUAL ALLEGATION**

16 27. On May 8, 2018, a Board Inspector inspected Respondent Rx Central Pharmacy,  
17 owned by Michael Imanoel and Eliahou Seleh, who are also licensed as pharmacist with the  
18 Board. Respondent Moshe Seleh was the pharmacist-in-charge beginning on September 11, 2013,  
19 until he disassociated on October 18, 2018.

20 28. Following the inspection, a Board inspector requested an electronic file which  
21 contained all prescriptions filled and dispensed from May 8, 2015 through May 8, 2018, from the  
22 pharmacy. The pharmacy provided an Excel file containing records of all prescriptions dispensed  
23 at Respondent Rx Central Pharmacy from May 8, 2015 through May 8, 2018, which included  
24 prescriptions by Dr. Richard Goldstein and Dr. Bruce Stark. The dispensing record indicated  
25 Respondent Moshe Seleh was the responsible pharmacist for all the prescriptions from Drs.  
26 Goldstein and Stark.

27 29. The Board inspector also collected thirty (30) prescription documents from December  
28 13, 2014 through April 2, 2015, regarding Dr. Steven Kaye. Respondent Moshe Seleh was  
pharmacist-in-charge at the time the prescriptions were filled.

1           30. The Board's inspection and subsequent investigation revealed that between December  
2 17, 2014 and May 8, 2018, Respondent Rx Central Pharmacy dispensed 740 controlled substance  
3 prescriptions from three prescribers after ignoring or failing to recognize multiple objective  
4 factors which showed the prescriptions were irregular and not medically legitimate prescriptions.  
5 355 of these prescriptions were for oxycodone 30 mg. The objective factors of illegitimacy,  
6 irregularity, and abuse included, but were not limited to the following:

7           (a) Oxycodone 30 mg tablets accounted for an unusually large percent of each  
8 physician's total prescribing.

9                 i. Oxycodone 30 mg was Dr. Goldstein's most commonly prescribed medication,  
10 accounting for 43.62% of his total prescriptions.

11                 ii. Oxycodone 30 mg was also Dr. Stark's most commonly prescribed medication  
12 accounting for 36% of his total prescribing.

13                 iii. All 74 controlled substance prescriptions from Dr. Kaye filled at Respondent  
14 Rx Central Pharmacy were written for oxycodone 30 mg.

15           (b) Every patient of all three prescribers received at least one prescription for oxycodone  
16 30 mg.

17           (c) All three prescribers prescribed immediate release oxycodone exclusively in the  
18 highest available strength.

19           (d) Each of the prescribers' prescriptions were purchased almost exclusively in cash,  
20 without the aid of prescription insurance.

21           (e) Additionally, the labels affixed to the back of the prescription documents indicated  
22 patients paid \$600 for 120 oxycodone 30 mg tablets

23           (f) There were numerous instances when Respondent Rx Central Pharmacy processed  
24 similar or identical prescriptions from each prescriber on the same day and the prescriptions were  
25 assigned consecutive prescription numbers.

26           (g) There were instances when Patient Activity Reports affixed to the prescriptions in  
27 question indicated patients receiving oxycodone 30 mg tablets had not received a controlled  
28 substance from a California Pharmacy in the previous three months.

1 (h) Many patients of these prescribers travelled unusual distances from their homes to  
2 Respondent Rx Central Pharmacy to obtain prescriptions.

3 (i) There were inconsistencies in the verification documents affixed to Dr. Stark's  
4 prescriptions including that the medications listed as previously tried and failed on the  
5 verification documents did not appear on any of the patients' Patient Activity Reports.

6 (j) Prescription documents from Drs. Goldstein and Stark did not conform to the  
7 requirements of Health and Safety Code Section 11162.1 because they lacked lot numbers,  
8 identifying numbers assigned to approved security printer, features in thermochromic ink, and  
9 "California Security Prescription" watermarks.

10 31. Despite these irregularities, the prescription documents collected did not contain  
11 documentation indicating Respondent Moshe Seleh contacted the prescribers in question to  
12 address the irregularities prior to filling the prescriptions.

13 32. The investigation also determined that the seventy (70) of the prescriptions did not  
14 conform to the requirements of pharmacy law as follows:

15 (a) Twelve (12) prescription documents from Dr. Stark lacked a lot number, an  
16 identifying number assigned to the approved security printer, and a "California Security  
17 Prescription" watermark.

18 (b) Six (6) of the prescription documents from Dr. Goldstein lacked a lot number, a  
19 feature in thermochromic ink, and a "California Security Prescription" watermark.

20 (c) Twenty-six (26) of the prescription documents from Dr. Goldstein lacked an  
21 identifying number assigned to the approved security printer, a feature in thermochromic ink, and  
22 a "California Security Prescription" watermark.

23 (d) Twenty-six (26) of the prescription documents from Dr. Goldstein lacked an  
24 identifying number assigned the approved security printer and a "California Security  
25 Prescription" watermark.

26 33. On July 26, 2018, the Department of Health Care Services ("DHCS") conducted an  
27 on-site visit of Respondent Rx Central Pharmacy. The DHCS team planned to return the  
28 following day with a pharmacy board inspector but the pharmacy was not open.

1           34. During the visit, the DHCS team observed numerous “returned to stock” bottles on  
2 the inventory shelves. The team identified instances where the labels on the return to stock bottles  
3 were not accurate, such as the product description on the prescription label did not match the units  
4 in the bottles. Specifically, six (6) bottles on the inventory shelves had inaccurate product  
5 information on the label as follows:

6           (a) A bottle’s visible prescription information was labeled as “Vitamin B Complex,  
7 Bottle 04/30/2018” and indicated the contents should be maroon capsules but the bottle contained  
8 yellow tablets.

9           (b) A bottle’s visible prescription information was labeled as “Diclofenac 50 mg tablets”  
10 and indicated the contents should be round brown tablets with the imprint GG 738 but the bottle  
11 contained white tablets imprinted with CTI 102.

12           (c) A bottle’s visible prescription information was labeled as “MAPAP 325 mg tablets”  
13 and indicated the contents should be white tablets imprinted with GPI/A325 but the bottle  
14 contained white tablets imprinted with GPI/A5.

15           (d) A bottle’s visible prescription information was labeled as “Calcium 500 + D 400,  
16 bottle dated 06/08/2018” and indicated the contents should be dark green tablets but the bottle  
17 contained off-white tablets.

18           (e) A bottle’s visible prescription information was labeled as “Methimazole 5 mg” and  
19 indicated the contents should be white tablets imprinted with EM/5 but the bottle contained white  
20 tablets imprinted with HP 70.

21           (f) A bottle’s visible prescription information was labeled as “Docusate 100 mg” and  
22 indicated the contents should be orange capsules imprinted with P51 but the bottle contained red  
23 and white capsules imprinted with SCU2.

24           35. Additionally, the DHCS team observed that the patient information was not  
25 completely obscured, and so the DHCS team accessed Respondent Rx Central Pharmacy’s  
26 dispensing records to confirm the transactions were reversed. There were numerous instances  
27 when the pharmacy records indicated the transactions were not reversed. In these cases, the  
28 originally filled bottle was found on the pharmacy’s shelves, indicating the patient did not receive

1 the medication. However, the prescription remained on the patient's dispensing record and the  
2 patient's insurance company was billed for the prescription.

3 36. For some of the "returned to stock" bottles, the DHCS team identified patient  
4 signatures indicating the patients received the prescriptions. Respondent Moshe Seleh explained  
5 to the DHCS team that sometimes patients sign for all of their prescriptions before realizing they  
6 actually don't want one or more of the medications. Respondent Moshe Seleh insisted any  
7 "returned to stock" bottle found on pharmacy shelves did not leave the pharmacy with the patient.

8 37. A pharmacy board inspector determined that on eighteen (18) instances, between  
9 January 2016 and April 2018, Respondents failed to reverse the billing of a prescription which  
10 was ultimately not provided to the patient. In failing to reverse these transactions, Respondents  
11 failed to refund the insurance companies for products and services not provided to patients.

12 Theses prescriptions included the following dangerous drugs:

- 13 (a) Oxybutynin 5 mg ER tablets, quantity 30, dated 10/09/2017
- 14 (b) Colestipol 1 g tablets, quantity 90, dated 06/08/2017
- 15 (c) DOK 100 mg, quantity 60, dated 02/24/2017
- 16 (d) Baclofen 20 mg, quantity 80, dated 02/20/2018
- 17 (e) Vitamin B Complex, quantity 30, dated 04/30/2018
- 18 (f) Calcium/Vitamin D 600/400, quantity 30, dated 01/29/2018
- 19 (g) Escitalopram 20 mg, quantity 30, dated 06/02/2017
- 20 (h) Lialda 1.2 g, quantity 60, dated 02/13/2017
- 21 (i) Rapaflo 8 mg, quantity 30, dated 02/20/2018
- 22 (j) Methimazole 5 mg, quantity 60, dated 07/31/2017
- 23 (k) Metoclopramide 10 mg, quantity 40, dated 02/12/2018
- 24 (l) Benazepril 20 mg, quantity 30, dated 06/19/2017
- 25 (m) Bupropion 150 mg SR, quantity 30, dated 10/02/2017
- 26 (n) Docusate 100 mg, quantity 30, dated 06/06/2016
- 27 (o) Hydroxyzine 50 mg, quantity 90, dated 01/04/2016
- 28 (p) Pravastatin 20 mg, quantity 30, dated 01/29/2018

1 (q) Quetiapine 25 mg, quantity 90, dated 09/25/2017

2 (r) Bicalutamide 50 mg, quantity 30, dated 05/31/2016

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Requirements of Controlled Substance Prescriptions)**

5 38. Respondent Rx Central Pharmacy and Respondent Moshe Seleh are subject to  
6 disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and  
7 Safety Code sections 11162.1 and 11164, in that Respondents dispensed controlled substances  
8 using prescription forms that were missing required features, as follows:

9 a. Twelve (12) prescription documents from Dr. Stark lacked a lot number, an  
10 identifying number assigned to the approved security number, and a, "California Security  
11 Prescription" watermark.

12 b. Six (6) of the prescription documents from Dr. Goldstein lacked a lot number, a  
13 feature in thermochromic ink, and a, "California Security Prescription" watermark.

14 c. Twenty-six (26) of the prescription documents from Dr. Goldstein lacked an  
15 identifying number assigned to the approved security printer, a feature in thermochromic ink, and  
16 a, "California Security Prescription" watermark.

17 d. Twenty-six (26) of the prescription documents from Dr. Goldstein lacked an  
18 identifying number assigned to the approved security printer and a, "California Security  
19 Prescription" watermark.

20 Complainant refers to, and by this reference, incorporates the allegations set forth above in  
21 paragraphs 27 through 37, as though set forth fully.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Failure to Exercise Corresponding Responsibility)**

24 39. Respondent Rx Central Pharmacy and Respondent Moshe Seleh are subject to  
25 disciplinary action under section 4301, subdivisions (c), (d) and (j), and section 4306.5 of the  
26 Code, Health and Safety code section 11153, subdivision (a), and California Code of Regulations,  
27 title 16, section 1761, subdivisions (a) and (b), in that Respondents operated in a grossly negligent  
28 manner, which constituted unprofessional conduct, by excessively furnishing controlled



1 substances, with an established history of a high potential for abuse, despite multiple cues of  
2 irregularity and uncertainty related to patient and prescriber factors, and in failing to comply with  
3 their corresponding responsibility to ensure that controlled substances are dispensed for a  
4 legitimate medical purpose. Complainant refers to, and by this reference, incorporates the  
5 allegations set forth above in paragraphs 27 through 37, as though set forth fully.

### 6 **THIRD CAUSE FOR DISCIPLINE**

#### 7 **(Misbranded Medications in Inventory)**

#### 8 **Health and Safety Code Section 111330 & Health and Safety Code Section 111440**

9 40. Respondent Rx Central Pharmacy and Respondent Moshe Seleh are subject to  
10 disciplinary action under section 4301, subdivision (j), of the Code, on the grounds of  
11 unprofessional conduct, for violating Health and Safety Code sections and 111330 and 111440,  
12 by holding misbranded drugs. Specifically, on or about July 26, 2018, six (6) bottles on the  
13 inventory shelves at Respondent Rx Central Pharmacy contained different product than the  
14 information identified on the bottles' labels. Complainant refers to, and by this reference,  
15 incorporates the allegations set forth above in paragraphs 27 through 37, as though set forth fully.

### 16 **FOURTH CAUSE FOR DISCIPLINE**

#### 17 **(Unprofessional Conduct)**

18 41. Respondent Rx Central Pharmacy is subject to disciplinary action under section 4301,  
19 subdivisions (f), in that Respondents committed acts involving moral turpitude, dishonesty, fraud,  
20 deceit or corruption. Specifically on eighteen (18) instances between January 2016 and April  
21 2018, Respondent Rx Central Pharmacy failed to reverse the processing of a prescription which  
22 was not received by the patient. In failing to reverse these transactions, Respondent Rx Central  
23 Pharmacy billed insurance companies for products and services not provided to patients.  
24 Complainant refers to, and by this reference, incorporates the allegations set forth above in  
25 paragraphs 27 through 37, as though set forth fully.

### 26 **OTHER MATTERS**

27 42. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
28 PHY 51631 issued to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel,

1 Eliahou Seleh while Moshe Seleh has been a pharmacist-in-charge and had knowledge of or  
2 knowingly participated in any conduct for which the licensee was disciplined, Moshe Seleh shall  
3 be prohibited from serving as a manager, administrator, owner, member, officer, director,  
4 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51631 is placed  
5 on probation or until Pharmacy Permit Number PHY 51631 is reinstated if it is revoked.

6 43. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
7 PHY 51631 issued to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel,  
8 Eliahou Seleh while Michael Mehrdad Imanoel has been an owner and had knowledge of or  
9 knowingly participated in any conduct for which the licensee was disciplined, Michael Mehrdad  
10 Imanoel shall be prohibited from serving as a manager, administrator, owner, member, officer,  
11 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51631  
12 is placed on probation or until Pharmacy Permit Number PHY 51631 is reinstated if it is revoked.

13 44. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
14 PHY 51631 issued to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel,  
15 Eliahou Seleh while Eliahou Seleh has been an owner and had knowledge of or knowingly  
16 participated in any conduct for which the licensee was disciplined, Eliahou Seleh shall be  
17 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
18 or partner of a licensee for five years if Pharmacy Permit Number PHY 51631 is placed on  
19 probation or until Pharmacy Permit Number PHY 51631 is reinstated if it is revoked.

#### 20 **DISCIPLINE CONSIDERATIONS**

21 45. To determine the degree of discipline, if any, to be imposed on Respondent Moshe  
22 Seleh, Complainant alleges that on or about September 26, 2013, in a prior action, the Board of  
23 Pharmacy issued Citation Number CI 2013 58283 and ordered Respondent Moshe Seleh to pay  
24 an administrative fine of \$4,500.00. That citation is now final.

25 46. To determine the degree of discipline, if any, to be imposed on Respondent Moshe  
26 Seleh, Complainant alleges that on or about September 26, 2013, in a prior action, the Board of  
27 Pharmacy issued Citation Number CI 2013 58283 and ordered Respondent Moshe Seleh to pay  
28 an administrative fine of \$4,500.00. That Citation is now final.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Permit Number PHY 51631, issued to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel, Eliahou Seleh;

2. Revoking or suspending Pharmacist License Number RPH 58075, issued to Moshe Seleh;

3. Prohibiting Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel, Eliahou Seleh (PHY 51631) from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51631 is placed on probation or until Pharmacy Permit Number PHY 51631 is reinstated if Pharmacy Permit Number 51631 issued to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel, Eliahou Seleh is revoked;

4. Prohibiting Moshe Seleh from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51631 is placed on probation or until Pharmacy Permit Number PHY 51631 is reinstated if Pharmacy Permit Number 51631 issued to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel, Eliahou Seleh is revoked;

5. Prohibiting Michael Mehrdad Imanoel from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51631 is placed on probation or until Pharmacy Permit Number PHY 51631 is reinstated if Pharmacy Permit Number 51631 issued to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel, Eliahou Seleh is revoked;

6. Prohibiting Eliahou Seleh from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51631 is placed on probation or until Pharmacy Permit Number PHY 51631 is reinstated if Pharmacy Permit Number 51631 issued to Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel, Eliahou Seleh is revoked;

7. Ordering Imanoel Pharmacy, Inc., dba Rx Central, Michael Mehrdad Imanoel, Eliahou Seleh and Moshe Seleh to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

8. Taking such other and further action as deemed necessary and proper.

DATED: May 19, 2020

Anne Sodergren

ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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